

1 kind of legal opinion. We have been through that before.

2 So, why don't you ask it again?

3 MR. NAFTALIN: Okay.

4 BY MR. NAFTALIN:

5 Q Mr. Warshaw, if it turns out to be the case, that
6 the way the Ft. Lee translator receives Jukebox radio
7 programming, is by receiving it off the air from the Pomona
8 translator, and that the Pomona translator receives Jukebox
9 Radio programming off the air from the Monticello station
10 down there in Sullivan County, would you agree that that
11 makes the operation of the Ft. Lee translator legal?

12 MR. HELMICK: I object to the form of the
13 question. Unless some time frame is put on it, Your Honor,
14 there is --

15 MR. NAFTALIN: At any time frame. It does not
16 matter.

17 JUDGE STEINBERG: Put a time frame on it.

18 MR. NAFTALIN: Starting from January 15, 1995 to
19 today.

20 MR. HELMICK: And before that time, how was the
21 programming delivered?

22 MR. NAFTALIN: Am I being cross-examined here?

23 JUDGE STEINBERG: No. It is an objection. And
24 the objection is that you did not put a time frame on it.
25 Now, you have put a time frame on it, so you have satisfied

1 the concerns of the objection. The question does not go to
2 the prior operation. And I suppose you are talking about
3 another community, perhaps.

4 MR. NAFTALIN: I am not suggesting it was in
5 October of 1994.

6 JUDGE STEINBERG: Basically from January 1995
7 until today, if Pomona was receiving Monticello off the air
8 and Ft. Lee was receiving Pomona off the air, in your mind,
9 would that be a legal operation?

10 THE WITNESS: I have no idea.

11 JUDGE STEINBERG: Okay. You would ask Mr.
12 Helmick?

13 THE WITNESS: Yes. I would ask Mr. Helmick. But
14 it still wouldn't be legal. Even it was legal, it wouldn't
15 be legal. Because they're outside that one point.

16 MR. NAFTALIN: Thank you, Mr. Warshaw.

17 JUDGE STEINBERG: I asked a couple of questions.
18 Mr. Aronowitz or Mr. Helmick do you have any follow-up?

19 MR. HELMICK: No.

20 JUDGE STEINBERG: Mr. Riley?

21 MR. RILEY: No, Your Honor.

22 JUDGE STEINBERG: Okay. Then, you are excused Mr.
23 Warshaw. Thank you very much for coming and testifying. I
24 appreciate it.

25 Let me just instruct you, please do not talk to

1 anybody but the attorneys about your testimony.
2 Particularly, not Mr. Luna or Mr. Gaghan. And Mr. Gaghan
3 has not testified, and Mr. Luna is under the same
4 instruction not to talk to anybody. Until you hear from the
5 lawyers that you can talk, it would be better if you just
6 keep everything to yourself.

7 THE WITNESS: How about my wife?

8 JUDGE STEINBERG: You talked to her.

9 THE WITNESS: Okay.

10 JUDGE STEINBERG: I would not want to be the cause
11 of a break-up.

12 THE WITNESS: That would be very hard.

13 (Witness excused.)

14 JUDGE STEINBERG: Why don't we go off the record,
15 and then we can discuss next week?

16 (Discussion held off the record.)

17 JUDGE STEINBERG: We are back on the record.

18 While we were off the record, we discussed scheduling for
19 next week. We agree to start Monday at 9:30. And we will
20 do Tuesday, Wednesday, Thursday starting at 9:00, since
21 those will be heavier days.

22 Thank you very much. We will be in recess until
23 Monday. Have a great weekend.

24 (Whereupon, at 3:30 p.m., the hearing was recessed, to
25 reconvene Monday, December 8, 1997, at 9:00 a.m.)

REPORTER'S CERTIFICATE

FCC DOCKET NO.: MM Docket No. 97-122

CASE TITLE: Gerard R. Turro

HEARING DATE: December 5, 1997

LOCATION: Washington, D.C.

I hereby certify that the proceedings and evidence are contained fully and accurately on the tapes and notes reported by me at the hearing in the above case before the Federal Communications Commission.

Date: 12/18/97

Kari L. Bowman
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I hereby certify that the proceedings and evidence were fully and accurately transcribed from the tapes and notes provided by the above named reporter in the above case before the Federal Communications Commission.

Date: 12/18/97

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I hereby certify that the transcript of the proceedings and evidence in the above referenced case that was held before the Federal Communications Commission was proofread on the date specified below.

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